IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DARREL W. BUMPAS,)	
Plaintiff,)	
v.)))	Civil No. 3:08-0977 Judge Trauger
MATTHEW NIXON, DOUG ATWOOD and METROPOLITAN GOVERNMENT OF))	Magistrate Judge Knowles
NASHVILLE AND DAVIDSON COUNTY,)	
Defendants.)	

ORDER

On February 6, 2009, the Magistrate Judge issued a Report and Recommendation (Docket No. 41), recommending that the plaintiff's "Permission for leave to file amended complaint in accordance to (docket no. #35) be denied. No timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the plaintiff's motion (Docket No. 38) is **DENIED**.

This case is returned to the Magistrate Judge for further handling. The court notes that a new "Permission for leave to file amended complaint in accordance with civil rules under 1983 U.S.C. civil rights action (Amended complaint attached)" has been filed by the plaintiff (Docket No. 43), to which a Response has been filed (Docket No. 45). In addition, defendants Nixon and Atwood have filed a Motion For Judgment on the Pleadings Asserting Qualified Immunity (Docket No. 46).

It is so **ORDERED**.

Enter this 4th day of March 2009.

ALETA A. TRAUGER U.S. District Judge